

1894-077 Chancery Causes: Gdn. of Tennessee C. Smith & by vs. Rhoda D. Smith &
Lee Co.

Robbins, Doss, Carter, Parsons, Cooney, Stuart, Pennington,
With Collier

CA-Estate Dispute
T-Property

1 To the Hon. H. S. K. Morrison, Judge
2 of the Circuit Court for Lin Co.,

3 Humbly Complaining, your orator
4 J. D. Robbins guardian for Tennessee C.
5 Smith, Sarah Smith, America Smith³
6 Rebecca Smith, ~~Martina~~ ^{Lorvina} Smith, Flora
7 Smith, Joseph Smith and Emmet Smith
8 infant children of Joseph E. Smith
9 dec'd., would respectfully represent unto
10 your honor that the said infants are
11 seized of an estate in fee simple in and
12 to a certain tract or parcel of land lying
13 and being in Lin County, Va., in the Crab
14 Orchard country and containing about
15 100 acres and is the same land conveyed
16 by your orator on the day of 187
17 to the said Joseph E. Smith in his life
18 time. A copy of said deed is here filed
19 marked "4" and prayed to be taken as a
20 part of this bill of complaint. From an
21 inspection of said deed it will be seen
22 that your orator reserved a well known
23 lien on said land until the same should
24 be fully paid for. This, your orator
25 admits has long ago been done, and
26 a release made of his lien, but the
27 said Smith never has had it entered
28 of record. Sometime about Feb. 1890
29 the said Joseph E. Smith died intestate
30 seized and possessed of said tract of land,
31 and he left surviving ^{him} a widow Rhoda
32 E. Smith and eight children, to wit: The

1 said Tennessee C., Sarah, American, Re-
becca, ⁴ ~~Lyvonia~~ ¹⁴ ~~Bartha~~, Flora, Joseph, and Em-
met Smith to whom said land, by the
laws of Vt., descended subject, however
to the dower rights of their mother the
said Rhoda D. Smith.

7 Your orator further alleges that at
8 the September term of the County Court of
9 this County for 1890, he was appointed
10 and duly qualified as the guardian of all
11 of said said infants and executed a bond
12 in a penalty of \$3000⁰⁰ before the clerk of
13 said. A transcript of his appointment
14 and bond are here filed marked "B"
15 for the inspection of your Honor.

16 Your orator further states that said
17 Rhoda D. Smith has not been assigned
18 dower out of said Land; that the same is
19 steep, rough and but little improved;
20 that its rental value will not much
21 exceed a sufficient amount to pay
22 the taxes thereon and keep it in its pres-
23 ent condition; and that its principal
24 value is mainly the coal and timber
25 on it.

26 Your orator will again state unto
27 your Honor that all of his said wards
28 are under 14 years of age, except
29 Tennessee C. Smith and Sarah Smith
30 who are respectively 17 and 15 years
31 of age; that they own no other estate
32 real or personal, than said Land;

1 That the said Roda D. Smith is 40 years
2 of age; and that if said infants were
3 to die ~~before~~ ^{before} attaining 21 years and
4 without issue, then Tobias P. Smith - Tom
5 Smith, Francis Parsons, Mary ^{surviving} Carter and
6 Sallie Cooney would be their heirs at
7 Law, because ~~they~~ ^{said infants} derived their estate
8 in said land by descent from their said
9 father, who was a brother of said last
10 named parties, and they ~~are~~ ^{are} the
11 nearest living relations of the said
12 Joseph E. Smith.

13 Your orator will again allege and aver
14 that under the circumstances, the interest
15 of his said wards will be greatly pro-
16 moted by a sale of their said land,
17 and the proceeds thereof loaned out
18 or invested in other lands more produc-
19 tive and capable of being better
20 farmed than said land is. In fact
21 your orator has made a contract
22 with Wm A. G. Stump and M. D. Collier
23 wherein they bind themselves to pay \$12⁰⁰
24 per acre for this land - one-third down,
25 and the residue in two equal annual
26 installments, which contract however is
27 subject to the confirmation to your
28 Honor's court. Your orator avers that
29 if your Honor will confirm this con-
30 tract of sale of said land and appoint
31 a commissioner to make said Stump and
32 Collier a deed to said land, it will be
promotive of the interest of his said wards.

(See said contract here filed Marked "D" & "E"). Your orator will again aver that said Roda D. Smith is willing that said Land be sold and in law of her dower rights therein and take a reasonable compensation therefor, and that said Slump and Collier are willing ready, and able to pay for said Land in the manner of said contract.

Now in as much as your orator is remedyless in the premises save in a court of equity he humbly prays that the said Emmele C. Smith¹ Sarah Smith², America Smith³, Rebecca Smith⁴, ~~Martha~~ ^{Lavinia} Smith⁵, Flora Smith⁶, Joseph Smith⁷, Emmet Smith⁸, Tobias P. Smith⁹, Roda D. Smith¹⁰, John Smith¹¹, America Doss¹², Francis Parsons¹³, Mary Barber¹⁴ and Sallie Cooney¹⁵ be made parties Defendants to this bill, that for said infants a guardian ad litem be assigned them, that all of said defts, except those infants under fourteen years of age, in their own proper person be required to answer the several allegations of this bill as fully, completely and particularly as if specially interrogated thereto; and that said contract of sale of said Land be confirmed and a commissioner be appointed to make conveyance of the title thereto to the said Slump and Collier. But if your honor on consideration

1 of this cause deem it improper to
2 confirm said contract, Your orator
3 then prays for a decree for the sale
4 of said land at public outcry.
5 May such further, other and general
6 relief be granted your orator as
7 will be consistant with equity and
8 the nature of his cause, And he will
9 ever pray &c. May process issue &c.

10 E. W. Pennington
11 p. 2.

12 Virginia, Lee County, to Wit:

13 I F. M. Parsons do certify that
14 A. D. Robbing, plaintiff in the foregoing
15 bill, this day personally appeared before
16 me in my county and state aforesaid
17 and made oath that the statements
18 made in said ~~so~~ far as made on
19 his own knowledge are true, and
20 so far as made upon knowledge
21 or information of others he believes
22 to be true.

23 Given under my hand this
24 the 23 day of September, 1890

25 F. M. Parsons J. P.
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1849

Box	1.50				
Clark	7.33				
Sheriff	7.50	Pair			
L. B.	1.50				
Hilt-	1.30				
Mtly-	18.00	Pair E. H. T. by			
W. A. C.	57.00				

vs. Bitt. In Leben

Add c \$39.13
 " " 4 89 to June 1892
 " " 1 08 " 1893
 \$45.10
 mC 1.84 to Nov 1894
 \$46.94

Rhoda S. Smith of Ala

1890 2nd Order, Rules Bill filed
Spec. Ed. and D. Nisi
" 1st Nov. Rules B. & C
June 4th and Term B &
March Smith file it
" 2^d Nov Rules B. & C. Conf.
& Cause set for hearing
1891 Contd this year
1892 Contd this year
1893 " " " "
1894 March " Contd
" June Contd
" Nov Decree final

To the Ho nerable H.S.K.Morison, Judge of the Circuit Court of Lee county

Humbly complaining your petitioner, Timathy Stuart, would respectfully show to your Honor that by a decree entered in the chancery cause of A.D.Robbins, guardian , &c., vs. Rhoda Smith et al., on the 3rd day of Dec. 1890 , the said A.D.Robbins was appointed a s preceiver ~~missioner~~ for the purpose and directed, among, other things, to collect certain sums of money from M.B.Colier and W.N.G.Slemp for the lands sold by him to them Said receiver before proceeding to collect said money was required by said decree to execute bond before the Clerk of the Circuit Court of Lee c ounty in the sum of twenty five hundred dollars, conditioned to faithfully account for all sums of money received by him as such receiver. Your petitioner will now show your Honor that he, together with R.L. Ivins, W.J.Bailey, Mathew W.Zion became the surities of the said A.D. Robbins in the bond thus required of him. Your petitioner will now further show your Honor that as he is informed nothing has ever been done by the said receiver, that no money has ever been collected by him, or anything else done by him, in fact that the sale referred to in the bill and proceedings never was consumated. Your petitioner and his co-secu-rities in said bond are not willing to longer remain bound thereby, his prayer therefore is that a rule be awarded against the said Robbin receiver as aforesaid, returnable to the first day of the next term of this court, to show cause if any he can why he should not execute a new bond, and to show why he has not made a report of what he has done as special co mmissioner or receiver in this cause, and that upon the return of said rule that he be released from further liability upon said bond. And as in duty bound your petitioner will ever pray, &c..

C. T. Humeau
Att'y

Timothy Stuart by
Counsel

and as he only holds your petitioners will never pay him.

He said also that he has released from further liability upon said bond. special commission or receiver in this cause, and that upon the return bond, and to show why he has not made a report of what he has done as this court to show where it may be can say he should not release a new receiver as attorney, respondent, so the final day of the next term of his driver therefore is that a wife he wanted against the said Roblin unless in said bond are not willing to longer remain bound adversely,

and proceedings never was commenced. your petitioners and his co-accused and his wife have done by him in fact that the sale referred to in the bill of sale and receiver, that no money has ever been collected by him, or that he has not honor that as he is informed nothing has ever been done by him in the bond filed received of him. your petitioners will now turn to your petitioners, namely W. Ston he and the affidavits of the said A.D.

your petitioners will not show your honor that he proceeded with A.D. in fact that he should not collect for all that of money received by him as such receiver and should in the sum of twenty five hundred dollars, conditioned to

again desired to execute bond before the clerk of the Circuit Court of said receiver before proceeding to collect said money was required by money from M.S. Collier and W.N.C. Stems for the funds said by him to them and directed, among other things, to collect certain sums of 1890, the said A.D. Robbins was appointed receiver, and for the A.D. Robbins, attached to the A.D. Bonds said at all on the said day of Dec.

show to your honor that by a desired entered in the Circuit Court of Humbly complaining your petitioners, Timothy Battelle, would release liability to the no receivable M.S. K. Collier, wife of the Circuit Court of Dec. 1890

Timothy Law

Reuben

A.D. Robbins

To the Hon. H. S. K. Morrison, Judge of
this Circuit Court for Lee Co.

The separate answer of Rhoda
S. Smith to a bill of complaint filed a-
gainst her and others by A. D. Robbins in
your honor's court:

Your respondent says she has read
and had explained to her the bill of said
Robbins, and she says she knows the al-
legations therein made are true; that she
is perfectly willing and here consents that
the same be sold free from her dower
rights and in lieu thereof is willing to
take a reasonable compensation, and that
a decree be rendered in said cause for
that purpose and that under all the
circumstances the sale or contract of
sale made by said complaint, ought to be
confirmed, because promotion of said
infants interest. Now having answered
said bill as fully as she is advised
it is material for her to answer, she
prays to be hence dismissed with her
reasonable costs in this behalf ex-
pended and she will ever pray &c.

Rhoda^{her} D. Smith.
mark

Virginia:

Lee County, to wit:

This day Rhoda S. Smith
personally appeared before me the
undersigned justice of the peace
in my county & state aforesaid & made

1 oath that the statements made in
 2 the foregoing answer so far as made
 3 of her own knowledge are true, and so
 4 far as made upon the information of
 5 others she believes to be true. Given
 6 under my hand this 23 day of Sept 1890
 7 F. M. Parsons J.P.
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Rhoda S. Smith

ad. } answer

A. O. Robbins quarant. at
 Filed Oct 20/90
 J. F. G. Dygert

1 To The Hon. Jas. H. Morrison, Judge of
2 The Circuit Court for Lee County, Va^a

3 The joint answer of Tennessee C.
4 Smith and Sarah Smith to a bill of Campbell
5 filed against them and others by their guar-
6 dian A. D. Robbins in your honor's court:

7 Your respondents for answer to said
8 bill say they have read and explained
9 to them said bill and its objects and
10 although tender in years, they know
11 the allegations therein made are true,
12 and that their interest would be greatly
13 promoted by a sale of their said land,
14 and they pray your honor that the re-
15 lief asked for by their said guardian
16 may be granted as soon as possible. Now
17 having answered said bill as fully as
18 they are advised it is material for
19 them to answer, your respondents pray
20 to be hence dismissed with their re-
21 sonable costs in this behalf expended
22 and they will ever pray &c

23 T^{his} J^{un} 1st C. Smith
24 Sarah ^{her} Smith
mark

25 Virginia:

26 In test. &c wit:

27 This day Tennessee C. Smith
28 and Sarah Smith personally appeared
29 before me the undersigned justice of
30 the peace and made oath that the
31 statements made in the foregoing
32 answer, so far as made of their own

Given under my hand this the 23
day of September 1890.

L. A.

Answer

also

A. D. Robinson quar. 7c of 22

Filed Dec 30/90

A. W. Hyatt.

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To the Hon. H. S. K. Monison Judge of
the Circuit Court for La Co.

^{Pls Jayis-}
The ~~separate~~ answer of Tennessee C.
Smith, Sarah Smith, America Smith,
Rebecca Smith Lavinia F. Smith, Flora
Smith, Joseph Smith, and Emmet Smith,
infants under the age of twenty-one
years, by A. M. Coins, their guardian
ad Litem, assigned to defend them in
this suit, to a bill of complaint
exhibited against them and others,
in the circuit court for the county
of Lee, by A. D. Robbins, their guardian.

The respondents, reserving to themselves
the benefit of all just exceptions to the
said bill, for answer thereto, or to so
much thereof as they are advised that
it is material they should answer,
by their said guardian ad Litem, an-
swer and say:-

That they are infants of tender years,
and by reason of their infancy are in-
capable of understanding, or of taking
care of their rights and interests. They
therefore, by their said guardian, com-
mend themselves and their rights and
interests to the protection of the court,
and pray that no decree may be pro-
nounced which will tend to their prej-
udice.

And having fully answered, the said respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray.

A. M. Goins, Guardian
ad litem for said infants,

Virginia:

County of Lee, to-wit:

This day personally appeared before me, John R. Gibson, clerk of the County Court of Lee County, Virginia, A. M. Goins, whose answer is above written, and made oath that the statements contained in the said answer, so far as made of his own knowledge, are true; and so far as made from the knowledge or information derived from others, he believes to be true.

Given under my hand this 2 day of Oct,
in the year 1890,

John R. Gibson clerk.

A. B. Robbins, Guar., &c.,

vs. A. M. Goins, Guardian
ad litem,

Rhoda D. Smith et al.,

Filed Oct. 30/90

J. A. Hyatt

A.D.Robbins

Plaintiff.

vs.

In Chancery.

Rhoda D.Smith et als.

Defendants.

This cause came o again this day to be further heard up-
on the ~~xxx~~ papers formerly read herein, and the report of
Commissioner, J.A.G.Hyatt, filed herein on the 15th day of
November 1894, and was argued by counsel. On consideration
of all which , and for reasons appearing to the court, it is
adjudged, ordered and decreed that said report be and the
same is hereby confirmed. And on motion of the plaintiff in
this cause, it is here by stricken from the docket.

H. D. Robbins

vol. 1 ~~over~~ final

Rhoda D. Smith

Entered in City

Q. V. B. Page 108

Enter this

Nov. 16 1894

M. J. M.

A. S. Robbins guar. & Compt.

vs } In Chancery
Rhoda S. Smith et al Defts.

This cause came on and
again this day to be heard upon the
papers formerly read therein, and the
petition of Timothy Stewart praying
to be released from his suretyship on
the bond of said Robbins as receiver,
and was argued by counsel. On
consideration of all which, and
it appearing from the return of the
Sheriff of this County that said
Robbins has had more than two
days notice of the intended motion
of said Stewart, it is adjudged, or-
dred and decreed ~~and decreed~~
that said Stewart he and he is
hereby relieved of all responsibil-
ity as surety on said ^{Robbins} bond as receiver
in this cause, except for the acts and
doings already done and the receipt
of monies already received; and
said Robbins is hereby inhibited from
receiving any further sums of money,
and doing any ^{other} act as receiver in
this cause, until he shall have the
consent of this Court. And it is

834 14

further ordered that said A.D. Rob-
bins appear before J. W. S. Hyatt one
of this Court Commissioners in
Chancery and make a settlement
of his account as receiver in
and report the result of such settlement to this Court.
This Court, until which time
this cause is continued.

A.D. Robbins

of Green

Rhoda D. Smith & Co

Entered Ch. O.B. p 535-16
Nov. 15-1893.

Entered this
Nov 15 1893.
W. A. K. W.

A. D. Robbins guardian to Comfalk

vs.

Rhoda D. Smith et al Defts

In Chancery

This cause came on this the 3rd day of Dec., 1890 to be heard upon the bill of the Comfalk and exhibits filed therewith, the separate answer of Rhoda D. Smith, the joint answer of Fannessa C. Smith and Sarah Smith infants over 14 years of age in their own proper person, and the joint answer of Fannessa C. Smith Sarah Smith, America Smith, Rebecca Smith, Marvin A. Smith, Flora Smith, Joseph Smith, and Emmet Smith infants under 21 years of age by A. M. Gaines their guardian ad litem, the replications of said Comfalk to said answers, and the depositions of witnesses, On consideration of all which and it appearing to the Court that the interests of said infants will be promoted thereby, and that the rights of no person will be violated, it is adjudged, ordered and decreed that the sale made by said Comfalk of said land in the bill & proceedings mentioned to H. N. G. Shump and M. D. Collier be and the same is hereby confirmed unto them at the price of \$12⁰⁰ per acre. It is further adjudged, ordered and decreed that said purchasers have said land surveyed by a competent surveyor and at their expense and as soon as

they shall have paid said A.D. Robbins for
 the use and benefit of ^{his} said wards, one-third
 of the purchase price thereof, and shall ex-
 ecuted to him their bonds with good security
 and bearing interest from date of making
 said cash payment and payable in out and
 two years from that date, then A.D. Rob-
 bins who is hereby appointed a special
 commr. for the purpose will make said
 purchasers a deed to said defendants in-
 terests in said land, reserving therein a
 vendor's lien in favor of said A.D. Robbins
 guardian for said infants, until the defer-
 red payments therefor are fully paid.
 Said Robbins will report his action
 in writing to a future term of this court.
 And said plaintiff will pay the costs of this suit
 out of the proceeds of said land and for the
 payment of which he may have credit in
 his guardian account. And this cause is
 continued

Enter a note before

H. D. Robbins guar &c

vs { Orren No 1

Rhoda O. Smith et al

Entered page 305

CO of Book # 3.

Jas. H. H. & Co. C.

enter this

Dec-3 1890

H. D. Robbins

as the law directs

Virginia, Lee County, to wit:

The depositions of John C. Pennington, and others taken before me H.C. Joslyn, a justice of the peace in and for the County of Lee and State of Virginia, pursuant to notice hereto annexed, at the Circuit Court clerk's office of Lee County, Virginia, to be read as evidence in behalf of A.D. Robbins, guardian &c, in a certain suit in chancery now depending in the circuit court of Lee County, wherein the said A.D. Robbins is plaintiff and Rhoda D. Smith, Tennessee C. Smith, Sarah Smith America Smith, Rebecca Smith, Lavinia F Smith, Flora Smith, Joseph Smith and Emmet Smith ^{and others} are defendants

Present, A.D. Robbins plaintiff and A.M. Goins, guardian ad litem for all of said defendants except the said Rhoda D. Smith, adult defendants

The first witness, James D. Hill being first duly sworn, deposes as follows:

Ques. 1- Please state whether or not you are acquainted with the tract of Land mentioned in plaintiff's bill; that is, the tract of Land deeded by said plaintiff and wife to Joseph E. Smith?

Answer 1- I am acquainted with said land, have known it some fifteen years, and during all this time have lived within about two miles of the said land. I am a farmer by occupation. This land is rough steep and rugged.

Ques 2 By plaintiff

Please state whether in your opinion said land is adapted to farming purposes.

Answer. In my opinion the land being very rough it is not very well adapted to farming purposes. It being more valuable for Coal and timber. For farming purposes in my opinion five dollars per acre would be a good price for said land. There is about 25 acres of this land cleared and about 79 acres in the whole tract.

Ques. 3- State whether, ^{or not} in your opinion said stand could now be sold for more than what it is worth for farming purposes? If so, why?

Answer. I think it could because of the reputed coal and timber on and under it, and the apparent demand for such.

Ques. 4= Would or not in your opinion the interests of said infant children of said Jos. E. Smith be promoted by a sale of said land at the price of \$12 per acre? If so, why?

Answer. I am of the opinion, that the sale of said land at \$12⁰⁰ per acre would be promotion of the interest of said infants - because the interest on the money it would sell for would be much more than it would rent for per annum, and because the money could be invested in other lands outside of the Crab Orchard that would be much more profitable for farming purposes.

Ques. 5= Have said infants any estate than said land, and have they any other source of income than from this land?

Answer. They do have a small interest in a small tract of land, recently owned by William Smith Decd. Their grandfather, but the estate of said William Smith is indebted perhaps to the amount of the value of the said land, so that the only estate they will have will be that which their father left them.

Ques. 6= Could said land be sold for more than \$12⁰⁰ per acre?

Answer. It could not. This is the highest price any land in that section has been sold for. This land is not as good for farming purposes as some other land in that section that has been sold for ten dollars per acre. I am acquainted with M. S. Ballie and W. N. G. Slemph, and suppose they are able to pay for said land at said price per acre and therefore think it advisable and promotion of the interest of said infant to have the sale of said land confirmed to said Ballie & Slemph. Said Joseph E. Smith died about Feby 1890. intestate.

X examination by A. M. Lewis
Guardian ad litem.

Ques. 1. = Have you any interest in this land or in the sale of it?

Ans. 1 = None whatever

Ques 2 What kinship exists between A. D. Robbins and his said wards?

Answer He is their grandfather.

And further this deponent with not

James J. Witt

John C. Pennington another witness of lawful age being duly sworn deposes as follows.

I have known said land for 25 or 30 years, and during this time have lived in the vicinity of it, I further state that I have heard the questions asked to James S. With, and his answers given thereto, and my answers to the same questions would be and are the same as given by him, and I hereby endorse them and make his answers my answers to said questions - both as to the direct and Cross examination.

And further this deponent soith not.
John C. Pennington

Martin S. Callier another witness of lawful age being duly sworn deposes as follows.

Myself and W. B. C. Slemph, have agreed with the guardian of said Woods to pay \$12.00 per acre for said land. one third to be paid as soon as the Court confirms the sale. the balance in 6 and 12 months thereafter. We are able

to pay for this land. and how
the money now in Pownells Valler
Bank to make the first payment.
And further this deponent saith not.

Martin D Collier

A. D. Robbins another witness of lawful
age being duly sworn deposes as
follows.

The names of my said words are
Tennessee C. Sarah America, Rebecca
Lavinia F. Flora Joseph and
Ernest Smith. all of whom
are under fourteen years of age
except the two first named. They
have no other land, or property or
income of any kind except a small
interest in the estate of William
Smith decd. which will not be
more than sufficient to pay of
the indebtedness of said Smith's
estate. I have contracted said
land to M. D. Collier and W. M. S.
Slump at \$12⁰⁰ per acre. if the
Court will confirm the sale. Rhoda
S. Smith the widow of Joseph S.
Smith Consents to this sale, and
I think the confirmation of this

Sale would be promotive of the interest of my said Wards. because of the roughness of said lands and its nonadaptability for farming purposes, and because it is my opinion that the money for this land could be invested in other lands outside of the crab orchard that would be more suitable to the use and benefits of my said wards. I hardly think it possible for them to make a comfortable living on the same.

And further this deponent doth not.

A. D. Robbins

Virginia Lee County To-wit:

I, H. C. Joslyn a Justice of the Peace for the County and State aforesaid do hereby Certify That the foregoing depositions of James S. With John C. Pennington M. D. Callie and A. D. Robbins were duly Taken Sworn to and Subscribed before me at the time and place and for the purposes therein mentioned. Given under my hand this 25th day of October 1890.

Henry C. Joslyn J. P.

A. D. Robbins

vs } *depo*

Rhoda D. Smith et al

Filed Octo. 27 1890.
J. A. Hyatt c

L. P. \$1.50

A. S. Robbins guardian

vs
Rhoda S. Smith & al

On the 10th day of Nov., 1893,
the undersigned, was appointed
in the above styled cause a
commissioner, for the purpose
of ascertaining what sum
of money, by reason of his
appointment as receiver in
the above cause, went into
the hands of said plaintiff,
heg leave to report, that after
giving the parties in interest
notice of the time and place
of sitting, and hearing proof,
your commission
came to the conclusion
that nothing went into
said Robbins hands as
such receiver; he was appointed
receiver in said cause
for the purpose of receiving
money for the sale
of the infants land in the
bill mentioned; but
owing to the failure of the
purchaser in Paris, the

land was never sold, nor
any thing received thereon.
see app which is submitted.
Nov. 15th 1894

J. A. G. Hyatt, Commr.

A. S. Robbins & Co.

Report of
J. A. G. Hyatt

Charles D. Smith

Filed Nov. 15/94

KNOW ALL MEN BY THESE PRESENTS, That we *A. D. Robbins*
R. L. Evans, W. J. Bailey, Timothy Stewart
and Matthew W. Zion
are held and firmly bound unto the Commonwealth of Virginia, in the sum of *Twenty*
Five Hundred dollars, to the payment whereof, well and truly

to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our
and each of our heirs, executors and administrators, jointly and severally, firmly by these
presents, hereby waiving the benefit of our homestead exemptions as to this obligation,
and any claim, right, or privilege to discharge any liability arising under this bond, or by
virtue of said office or trust, in any currency, funds, counter claims or offsets other than
legal-tender currency of United States. Sealed with our seals, and dated *6th* day
of *January*, one thousand eight hundred and *Ninety one*

The Condition of The Above Obligation is Such, That if the above bound *A. D. Robbins*
shall faithfully perform the duties of *his* office or trust, as *Receiver*

under a decree of the Circuit Court of the County of Lee, pronounced on the *3rd*
day of *Decr.*, 18 *90*, in the suit therein depending
under the name and style of *A. D. Robbins* Plaintiff
vs. *Rhoda D. Smith et al* Defendant

and properly account for all sums of money *he* may receive as
such *Receiver*

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the
presence of

A. D. Robbins (SEAL.)
R. L. Evans (SEAL.)
W. J. Bailey (SEAL.)
Timothy Stewart (SEAL.)
Matthew W. Zion (SEAL.)

In the Clerk's Office of the Circuit Court of the County of Lee

This day *6th* of *January*, 18 *90*,
suret *R. L. Evans, W. J. Bailey & M. W. Zion*
on the above bond, made oath before me J. A. G. Hyatt, Clerk of the Circuit
Court of the County of Lee, that *they have*
estate after the payment of all *their* just debts, and those
for which *they are* bound as security for others, and expect to have
to pay *are worth the sum of* *Five Thousand*
dollars.

Given under my hand this *6th* day of *January*, 18 *90*.

Teste: *J. A. G. Hyatt* Clerk.

A. D. Robbins
vs ³ Bonds
Requies
Rhoda L. Smith

Filed Jan. 6th 1891
J. A. Hyatt

To A.D.Robbins

You will please take notice, that on the first day of the next November term of the Circuit Court of Lee County, I will file a petition in the Chancery cause pending in said Court of A.D. Robbins guardian &c. against Rhoda Smith and others, asking to be relieved from further liability as your surety in a bond executed by you as receiver in said Chancery cause aforesaid, on the 6th day of January 1891, which said bond was executed before John A.G. Hyatt clerk of the Circuit Court of Lee County in obedience to a decree of said Court entered in said cause on the 3rd day of December 1890. This was bond was signed by yourself and R.L. Evans, W.J. Bailey Mathew W. Zion and myself as your sureties. You can attend and defend said petition if you desire to do so.

L. T. Nussan
Atty.

Very truly yours &c.

Timothy Stewart
by Counsel.

Timothy Stewart

Y^o 4 Notice

A. D. Robbins

Executed at 12 1893
By sending copy
of this notice to

A. D. Robbins

M R Kirk
for C. E. H. L. L. L.
S. J. S.

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

WE COMMAND YOU TO SUMMON *Tennessee C. Smith, Sarah*
Smith, America Smith, Rebecca Smith, Lavina
Smith, Joseph Smith Jr., Flora Smith, Emmet Smith,
Tobias P. Smith, John Smith, Rhoda D. Smith,
America D. Smith, Mary Carter, Frances Parsons and
Sallie Conner,

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the ~~first~~ *third* Monday
in *October* next, to answer *a bill in Chancery*
exhibited against them in our said court
by A. D. Robbins guardian for said Tenn. C. Smith
Sarah Smith, America Smith, Rebecca Smith, Lavina
Smith, Joseph Smith Jr., Flora Smith, and Emmet Smith
upon a plea of _____, Damage. \$ _____

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *27th* day of *September* 18*90*, in the 115th year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste _____

Clerk.

A. D. Robbins, quor. &c

vs { Sp. in Chanc

Rhoda D. Smith et al

vs 2nd Oct. Rules, 1870

Executed Oct 15th 1880
by delivering copy of
the following to
Smith, David Smith
America Smith, Rebecca
Smith, Lavinia Smith
Joseph W. Smith Jr. & Clara Smith
Emil T. Smith, Tobias P. Smith
John Smith, Rhoda D. Smith
America¹² Smith, Das
Mary Carter, Francis
Parsons³, Sallie Carey¹⁰
P. W. Reaser, Deput
for B. Bruney, 2, 2, 1